

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No.167 of 2025
With
I.A. No.12928 of 2025

Surendra Kumar Bushan, son of Sri Gena Ram, resident of Gola Park, P.O. Ramgarh Cantt., P.S. & District Ramgarh.
..... Appellant.

-Versus-
The Employers in relation to the Management of Bank of India, through the Branch Manager, Bank of India, Ramgarh Cantt., P.O. Ramgarh Cantt. P.S. & District Ramgarh.
..... Respondent.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant : Mr. Sanjeev Thakur, Advocate
For the Respondent: Mr. Abdul Allam, Sr. Advocate

Order No.05 **Date: 19.03.2026**

1. I.A. No.12928 of 2025 seeks condonation of delay of 240 days in instituting this appeal.
2. The reasons for the delay have been set out in paragraph nos.5 to 10. These reasons, according to us, constitute sufficient cause.
3. Accordingly, we condone the delay and dispose of the aforesaid I.A.
4. After condoning the delay, with the consent of the learned counsel for the parties, we have taken up the appeal for consideration.
5. This appeal is directed against the learned Single Judge's order dated 4th January, 2024, dismissing the appellant's W.P.(L) No.5108 of 2009 questioning the award dated 14th November, 2008 passed by the Central Government Industrial Tribunal No.1 Dhanbad (in short "CGIT").

6. The CGIT by its award dated 14th November, 2008 held that the termination of the appellant's services instead of regularising him was legal and justified. The CGIT held that there was no evidence of the appellant having worked for 240 days or more in any given year and, therefore, the appellant could not claim the protection under Section 25F of the Industrial Disputes Act, 1947.
7. The learned Single Judge, in the impugned judgment and order, upon a detailed consideration of the material on record, has confirmed the above finding of fact regarding the appellant not having worked for more than 240 days in a year. Thus, there are concurrent findings of fact on this crucial issue of the appellant not having worked for more than 240 days in a year. Unless a case of perversity is made out, it will not be possible for this Court to interfere with such concurrent findings of fact.
8. Learned counsel for the appellant submitted that a document duly signed by the bank officials was produced in evidence to show that the appellant had worked for more than 240 days in a year. The tribunal and the learned Single Judge have considered this document but held that this was a self-serving document prepared by the appellant and the same could not be relied upon or given credence to, given the contrary evidence produced on behalf of the bank. The tribunal and the learned Single Judge also relied upon the appellant's oral testimony, which was quite inconsistent with the private document produced by him. In his oral testimony, the appellant categorically stated that he had worked for only 132 days in the year 1992. At another stage, he

had deposed to work for 160 days in a year and that too with intervals. The evidence on record thus suggests that the appellant never worked for 240 days in a calendar year and this position was even admitted by him in his oral testimony. Given this position, there is no perversity in the concurrent record of the finding of fact on this crucial issue.

9. In any event, the scope of interference with the finding of fact recorded by the tribunal and confirmed by the learned Single Judge is extremely limited. This is neither a case of "no evidence" nor a case where the finding is against the "weight of the evidence on record". The finding is quite consistent with the evidence on record and the evidence includes the oral testimony of the appellant himself and the admissions made by him therein.
10. For all the above reasons, we find no merit in this appeal and dismiss the same without any order for costs.
11. Pending interlocutory application(s), if any, is also dismissed.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

19th March, 2026
Sanjay/Rohit
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